THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.17523, 16190, 16191, 16196, 16197, 17527, 19372, 20573, 20580, 20586, 20590, 20776, 20779, 20781, 20782, 20801, 20938, 19545, 19554, 20475, 20481, 20503, 20611, 20657, 20760, 20761 and 20764 of 2006

Between :-

W.P.No.17523/2006

Peddi Venkataramana @ Venkata Ramana Murthy
.. Petitioner
And
The Joint Collector, Vizianagaram District,
Vizianagaram and others ..
Respondents

W.P.No.16190/2006

Smt. Ch. Ramanamma ..
Petitioner
And
The District Collector,
Vizianagaram and others ..
Respondents

W.P.No.16191/2006

M. Rama Krishna Rao .. Petitioner
And
The District Collector,
Vizianagaram and others ..
Respondents

W.P.No.16196/2006

T. Gurunadha Rao ..
Petitioner
And
The District Collector,
Vizianagaram and others ..

Respondents

W.P.No.16197/2006
K. Gowrishankar Rao .. Petitioner
And
The District Collector,
Vizianagaram and others .. Respondents

W.P.No.17527/2006
Korada Srinivasa Rao .. Petitioner
And
The District Collector,
Vizianagaram and others .. Respondents

W.P.No.19372/2006
Konka Rajamallu and 2 others .. Petitioners
And
The Commissioner of Civil Suplies,
Government of Andhra Pradesh,
Hyderabad and 2 others .. Respondents

W.P.No.20573/2006
Lakshmipathula Durga Rao and another .. Petitioners
And
The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.20580/2006

T. Lakshmana Rao and others .. Petitioners
The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.20586/2006

V. Koteshwar Rao and others .. Petitioners
The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.20590/2006

B. Venkateshwara Rao and others .. Petitioners
and
The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.20776/2006

M. Veeraraghava Raju and others .. Petitioners
And
The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.20779/2006

Goripathi Srinivasa Rao and others .. Petitioners
And
The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.20781/2006
Kolli Ramakrishna and others
..Petitioners
And
The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.20782/2006
Devarapalli David and others .. Petitioners
And
The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.20801/2006
P. Venkateswara Rao and others .. Petitioners
And
The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.20938/2006
B. Venkatappa Reddy and others .. Petitioners
And

The Commissioner of Civil Suplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and 2 others .. Respondents

W.P.No.19545/2006

Vijayawada Kerosene Retail Dealers
Welfare Association,
Rep. By its Working President
N. Srinivasa Rao .. Petitioners
And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

W.P.No.19554/2006

Jaggaiahpeta Mandal Retail Kerosene
Dealers and Hawker Association
Rep. By its President,
Dorepalli Shiva Shankar Prasad .. Petitioners
And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

W.P.No.20475/2006

Sanikommu Yogaiah and others .. Petitioners
And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

W.P.No.20481/2006

Pitla Pitchaiah and others .. Petitioners

And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

W.P.No.20503/2006
Shaik Moulali and others .. Petitioners
And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

W.P.No.20611/2006
T. Peddanna and others .. Petitioners
And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

W.P.No.20657/2006
Kapulapalli Chenna Reddy and others .. Petitioners
And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

W.P.No.20760/2006
Karla Nageswara Rao and others .. Petitioners
And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

W.P.No.20761 /2006
V. Venkateswara Rao and others .. Petitioners

And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

W.P.No.20764/2006

Koppala Venkat Reddy and others .. Petitioners
And
The Commissioner, Civil Supplies Department,
Somajiguda, Hyderabad and others .. Respondents

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THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.17523 of 2006 and Batch

COMMON ORDER:-

These Writ Petitions were filed by the Kerosene Hawkers and also by the present Fair Price Shop Dealers of the Districts concerned.

2. The controversy relates to the allotment of cards in relation to distribution of Kerosene.

3. It is stated by the learned G.P. for Civil Supplies that at present a policy decision had been taken to bring in the Kerosene distribution also under one roof i.e., Fair Price Shop Dealership and further a policy decision had been taken to absorb the eligible existing Kerosene Hawkers in course of time as Fair Price Shop Dealers. It is also brought to the notice of this Court that in these Writ Petitions interim directions had been granted.

4. In certain of the writ petitions, Vacate Applications also had been filed.

5. It is pertinent to note that a set of Writ Petitions are filed by the present Kerosene Hawkers who had been appointed long back and such Hawkers obtained interim directions from this Court. It is also brought to the notice of this Court in another batch of Writ Petitions – the Fair Price Shop Dealers approached this Court and obtained interim directions to allot cards relating to distribution of Kerosene to the Fair Price Shop Dealers. It is also stated that such directions were made since in the relevant Districts there are no Kerosene Hawkers.

6. Heard Sri Taddi Nageswara Rao, Sri Balaji

Medamalli, Sri V.H.V.R.R.Swamy, Sri Palle Nageswar Rao, Sri Kowturu Vinaya Kumar, Sri O.Manohar Reddy, Sri M.Yeshwant Kumar and G.P. for Civil Suplies.

7. Since common questions are involved in these batch of Writ Petitions, though certain Writ Petitions were filed by the Kerosene Hawkers and some Writ Petitions were filed by the present Fair Price Shop Dealers, all these Writ Petitions are being disposed of by this common Order.

8. Several facts had been narrated in the respective affidavits filed in support of the Writ Petitions. No doubt, the dates when the Kerosene Hawkers began functioning as Hawkers and the dates from which the Fair Price Shop Dealers have been operating as Fair Price Shop Dealers, differ. However, strong reliance had been placed on the decision of Division Bench of this Court in ***MANDA VISWESWARA RAO AND OTHERS v. D.VENKATESWARA RAO AND OTHERS***[1]***.*** It is also not in serious controversy that a policy decision had been taken by the Government to bring in even the distribution of kerosene under the roof of the Fair Price Shop Dealerships. However, further decision had been taken that as far as eligible Kerosene Hawkers are concerned, in a phased manner they are to be absorbed or to be accommodated as Fair Price Shop Dealers depending upon the vacancies. It is stated that preference may have to be given to such Kerosene Hawkers subject to the eligibility criteria. The relevant Government Orders and the Circulars also had been referred to. In the light of the

facts and circumstances, this Court is of the considered opinion that especially in the light of the decision of the Division Bench ***Manda Venkateshwara Rao's case (referred supra)*** it may not be just and proper to disturb the existing quota of kerosene and the cards attached to the Kerosene Hawkers. It may be that in due course, depending upon the Circulars governing the field and also in the light of the policy such Hawkers may be absorbed as the regular Fair Price Shop Dealers. The main grievance of such Fair Price Shop Dealers who had been appointed is that despite the policy of the Government to bring in even the Kerosene distribution under one roof i.e., under the roof of the Fair Price Shop Dealership, even in case of the fresh cards, no such Kerosene quota is being allotted to the fresh Fair Price Shop Dealers. This Court is not inclined to express any opinion relating to factual controversies which had been narrated in detail in the affidavits filed in support of the respective Writ Petitions. However, it is made clear that *status quo* existing as on today relating to the Kerosene quota and the cards which had been already allotted to the Kerosene Hawkers and also in relation to the present Fair Price Shop Dealers to be maintained till appropriate decision is taken by the concerned District Collectors of the Districts concerned. The writ petitioners are given liberty to make appropriate representations within a period of four weeks from the date of receipt of this order and let the concerned District Collectors take appropriate decision in this regard taking into consideration all the facts and circumstances and

also the decision of the Division Bench referred to supra. The concerned District Collectors to take appropriate decision in this regard within a period of four weeks thereafter. As already specified above, till then *status quo* existing as on today relating to the Kerosene quota and the Cards in relation thereto to be maintained. Accordingly, the Writ Petitions are disposed of. No order as to costs.

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Justice P.S.Narayana

8th October, 2007

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[1] 2002 (2) ALD 659 (DB)